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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	Nos. 2:99-cr-00551 WBS DB
Respondent,	2:16-cv-1515 WBS DB
v.	<u>ORDER</u>
KEVIN RAY PATTERSON,	
Movant.	

Movant is a federal prisoner proceeding pro se with a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Movant argues his sentence should be modified based on a Supreme Court decision impacting sentencing. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 8, 2019, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 317.) Petitioner has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 8, 2019, are adopted in full;

2. Movant's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 is dismissed for lack of jurisdiction;

3. The Clerk of Court shall close the companion civil case No. 2:16-cv-1515 WBS DB and enter judgment; and

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: November 12, 2019



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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